

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 13-58769

AHMAD H. IBRAHIM,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**ORDER DENYING CHAPTER 7 TRUSTEE'S REQUEST  
FOR WRIT OF GARNISHMENT**

This case is before the Court on a request for a writ of garnishment submitted by the Chapter 7 Trustee, Karen E. Evangelista, to the Clerk of the Court (the "Garnishment Request"). In the Garnishment Request, the Trustee states that she received a judgment against defendant, Heba Moussally, for \$4,000 on December 9, 2013. The Trustee further states in her Garnishment Request that while payments have been made on the judgment, a balance remains on the judgment of \$2,999.65. In her Garnishment Request, the Trustee seeks the issuance of a nonperiodic writ of garnishment against garnishee, Chase Bank.

The Court must deny the Trustee's Garnishment Request, because the Trustee has not obtained a judgment against Heba Moussally. Instead, the Trustee obtained an order resolving a Chapter 5 cause of action with the Debtor, based on a "Stipulation Resolving Chapter 5 Cause of Action with Insider" (Docket # 17, the "Stipulation") filed with the Court on December 9, 2013. In the introductory paragraph of the Stipulation, the Chapter 5 cause of action is described as "a preference payment made by the Debtor to his brother in the amount of Four Thousand Dollars (\$4000.00)[.]" Paragraph 1 of the Stipulation describes the monthly installment payments the Debtor agreed to make to the Trustee. Paragraph 2 of the Stipulation states: "In the event the Debtor does not make timely payment, the Trustee shall be permitted to take all allowable collection actions against the Debtor or collect any unpaid amounts from the insider of the Debtor to whom the payments were made[.]" The insider's name is not stated in the Stipulation. Presumably, the insider is the Debtor's brother, but his name is not stated in the Stipulation either.

On December 9, 2013, the Court entered an order entitled "Order Resolving" (Docket # 18, the "Order"). The relevant provisions of the Order state:

**IT IS HEREBY ORDERED**

The Debtor shall remit payment of \$4000.00 in monthly installments beginning 20 days from the entry of an Order herein in the amount of \$166.67 until paid in full;

**IT IS HEREBY ORDERED**

In the event the Debtor does not make timely payments, the Trustee shall be permitted to take all allowable collection actions against the Debtor or collect any unpaid amounts from the insider of the Debtor to whom the payments were made.

IT IS HEREBY ORDERED

In the event all payments are timely made, the Trustee shall not seek collection from the insider or contact the insider for collection of the same.

IT IS HEREBY ORDERED

Upon timely receipt by the Trustee of the all [sic] payments, such payments shall constitute Full and final satisfaction of Debtor and Debtor's (as insider) and all liabilities under this Order and the Trustee shall waive any and all known claims against Debtor and Debtor's Brother.

(Docket # 18). As in the Stipulation, the insider's name is not stated in the Order. And there is no language in the Order that awards a judgment to the Trustee against Heba Moussally.

The Garnishment Request must be denied because the Trustee did not receive a judgment against Heba Moussally.

Accordingly,

IT IS ORDERED that the Garnishment Request is denied.

**Signed on December 04, 2014**

/s/ Thomas J. Tucker

**Thomas J. Tucker**  
**United States Bankruptcy Judge**